

### **REMARKS**

Claims 3, 4, 9-17 and 29-41 were previously canceled. Claims 1, 2 and 5-8 and 18-28 remain pending in the application.

The Applicants respectfully request that the Examiner initial and return a copy of the IDS filed on December 19, 2007.

The Applicants respectfully request that the Examiner reconsider earlier rejections in light of the following amendments and remarks. No new issues are raised nor is further search required as a result of the changes and remarks made herein. Entry of the Amendment is respectfully requested.

### **Claims 1, 2, 5-9, 18-24 and 26-28 over Wecker and Katz**

In the Office Action, claims 1, 2, 5-9, 18-24 and 26-28 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,256,614 to Wecker et al. ("Wecker") in view of U.S. Patent No. 6,424,706 to Katz et al. ("Katz"). The Applicants respectfully traverse the rejections.

Claims 1, 2, 5-8, 18-24 and 26-28 recite, *inter alia*, credit that is **automatically without requiring user entry**, created in a wireless service account **associated with a wireless communication device**, the credit stored in a wireless service account server, **in response to active interaction with a given web site** of a seller of goods or services offering wireless airtime units.

The Examiner alleges in the Response to Arguments section of the Office Action that the recited "automatically" is not defined in the claims. (see Office Action, page 9) The Examiner alleges that "automatically" equates to "entry of a calling card number." (See Office Action, page 9)

The Examiner's interpretation of "automatically" is inconsistent with even a dictionary definition of the term. Nevertheless, claims 1, 2, 5-8, 18-24 and 26-28 are amended herein to more clearly require without user entry.

The Examiner alleges in the Response to Arguments section of the Office Action that providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, as held in *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

*Venner* would apply to Applicants' claims if Applicants claims were claiming the same result of that as disclosed by the cited prior art, simply using automation to replace a manual activity.

As discussed in more detail below, Katz teaches crediting a wireless service account with calling minutes associated with a calling card in response to user entry of a calling card number. Automating this manual process would, at best, result in crediting a wireless service account with calling minutes associated with a calling card in response to automatic entry of a calling card number. This is **NOT** the same result as is being claimed. For *Venner* to apply to the claimed features, the prior art would have to teach or suggest credit that is manually created in a wireless service account associated with a wireless communication device, the credit stored in a wireless service account server, in response to active interaction with a given web site of a seller of goods or services offering wireless airtime units. However, such manual features are not taught or suggest by Wecker and Katz, either alone or in combination, much less the automation of such manual features.

Automating Katz's teaching would, at best, result in crediting of a wireless service account with calling minutes associated with a calling card in response to automatic entry of a calling card number is **NOT** credit that is automatically without requiring user entry, created in a wireless service account associated with a wireless communication device, the credit stored in a wireless service account server, in response to active interaction with a given web site of a seller of goods or services offering wireless airtime units, as recited by claims 1, 2, 5-8, 18-24 and 26-28.

As discussed in more detail below, Wecker at best teaches crediting of a calling card for some action taken by a consumer on the Internet. At best, Katz teaches crediting a wireless service account with calling minutes associated with a calling card in response to user entry of a calling card number. Theoretically modifying Wecker would at best result in Wecker crediting a wireless service account with calling minutes associated with a calling card in response to user entry of a calling card number not credit that is automatically

without requiring user entry, created in a wireless service account **associated with a wireless communication device** in response to active interaction with a given web site of a seller of goods or services offering wireless airtime units, as required by the claims.

Wecker teaches:

It should be noted that the software guides the consumer through the process, encouraging truthful and complete responses. Responses are analyzed, a custom reward is built, and finally transmitted to the consumer's PC, Web-TV, Pager, or other electronic media. All PIN activity pertaining to adding free calling minutes to the card (in the improvement invention) is transmitted to the telephone company via an FTP so that their computer records are automatically and electronically updated. In this manner, the phone cards are ready for immediate use by the recipient. (see Wecker, col. 3, line 60-col. 4, line 2)

Wecker teaches that additions to calling card minutes are transmitted to a telephone company to updated records for the calling card, allowing immediate use be a recipient. Credit that is created in a calling card account **associated with the calling card** is not credit that is created in a wireless service account **associated with a wireless communication device**, much less in response to active interaction with a given web site of a seller of goods or services offering wireless airtime units, as required by claims 1, 2, 5-8, 18-24 and 26-28.

A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. MPEP §2141.02, page 2100-127 (Rev. 2, May 2004) (citing W.L. Gore & Assoc. v. Garlock, Inc., 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984)). It is significant that Wecker teaches crediting a generic account, with anyone accessing that generic account being able to take advantage of the credited calling minutes. This might have advantages in some situations, but certainly has the disadvantage of requiring user entered calling card information every time a recipient wants to use the calling card. In contrast to Wecker's

crediting of a generic account, the present invention requires credit to a **wireless service account** associated with a **wireless communication device**. **Automatically** crediting a wireless service account eliminates user entry of calling card information to use credited minutes. Wecker's user entry of calling card information to use credited minutes **teaches away** from **automatic** crediting, as claimed.

Moreover, since the proposed modification or combination would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. MPEP § 2143.01 (citing In re Ratti, 123 USPQ 349 (CCPA 1959)). The Examiner's proposed modification of Wecker would essentially **do away** with Wecker's calling card system, which would change the principle of operation of Wecker.

Katz appears to teach a system for accessing a value associated with a pre-purchased amount of telecommunication-time for making telephone calls and for uses other than making telephone calls. (see Abstract) An input device allows a subscriber to purchase unit minutes, transfer the unit minutes to others (including non-subscribers) and redeem the unit minutes, and to use the unit minutes to purchase telephone minutes and redeem for goods and services. (see Katz, Abstract)

Katz appears to teach a system for redeeming telecommunication unit minutes for goods and services. However, those telecommunication unit minutes are not **automatically without requiring user entry**, created in a wireless service account **associated with a wireless communication device**, the credit stored in a wireless service account server, **in response to active interaction with a given web site** of a seller of goods or services offering wireless airtime units, as required by claims 1, 2, 5-8, 18-24 and 26-28.

Moreover, Katz teaches calling card activation that if made from the telephone handset itself, need only enter the "unique card number printed on the card." The user can skip entry of identification for the wireless telephone handset because this information is transmitted to initiate a telephone call. Applicants

respectfully point out that contrary to the Examiner's allegation, Katz teaches user entry of a **card number** to activate minutes associated with the calling card. This may be performed once for the life of the minutes associated with the calling card, but Katz **still requires** user entry to credit minutes associated with the calling card to a wireless account. User entry to add minutes to a wireless account is not automatic without requiring user entry, credit, much less **in response to active interaction with a given web site** of a seller of goods or services offering wireless airtime units, as required by claims 1, 2, 5-8, 18-24 and 26-28.

Wecker theoretically modified by Katz would, at best, result in credit to a card account for some action taken by a consumer on the Internet (Wecker) OR user entry of a calling card number to credit a wireless service account that only then can be redeemed for goods or services (Katz). Wecker and Katz, either alone or in combination, fail to disclose, teach or suggest credit that is automatically without requiring user entry, created in a wireless service account associated with a wireless communication device, the credit stored in a wireless service account server, in response to active interaction with a given web site of a seller of goods or services offering wireless airtime units, as required by claims 1, 2, 5-8, 18-24 and 26-28.

Accordingly, for at least all the above reasons, claims 1, 2, 5-8, 18-24 and 26-28 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claims 11 and 25 over Wecker, Katz, and Bistriceanu**

In the Office Action, claims 11 and 25 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Wecker and Katz, and in further view of U.S. Patent No. 7,240,022 to Bistriceanu et al. ("Bistriceanu"). The Applicants respectfully traverse the rejections.

Claim 11 was previously canceled, mooted the rejection in that regard.

Claim 25 is dependent on claim 21, and is allowable for at least the same reasons as claim 21.

Claim 25 recites, *inter alia*, credit that is **automatically without requiring user entry**, created in a wireless service account **associated with a wireless communication device**, the credit stored in a wireless service account server, **in response to active interaction with a given web site** of a seller of goods or services offering wireless airtime units. As discussed above, Wecker and Katz, either alone or in combination, fail to disclose, teach or suggest such features.

Bistriceanu is relied on to allegedly teach awarding incentives to users for returning to a web site. (see Office Action, page 9) The incentives can be converted into products or services. (see Bistriceanu, Abstract) Converting incentives for returning to a web site into products or services fails to disclose, teach or suggest credit that is **automatically without requiring user entry**, created in a wireless service account **associated with a wireless communication device**, the credit stored in a wireless service account server, **in response to active interaction with a given web site** of a seller of goods or services offering wireless airtime units, as recited by claim 25.

Wecker, Katz, and Bistriceanu, either alone or in combination, fail to disclose, teach or suggest credit that is **automatically without requiring user entry**, created in a wireless service account **associated with a wireless communication device**, the credit stored in a wireless service account server, **in response to active interaction with a given web site** of a seller of goods or services offering wireless airtime units, as required by claim 25.

Accordingly, for at least all the above reasons, claim 25 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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